

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Irina Rabinovich

(b) County of Residence of First Listed Plaintiff **Allegheny**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jonathan J. Sobel, Esquire, 1500 Walnut Street, Suite
2000, Philadelphia, PA 19102 215 735 7535

DEFENDANTS

William Bares, Jr., Bogie's Transport, Inc. Sheri Bunyard
and EAN Holdings, LLC,

County of Residence of First Listed Defendant **Mahoning**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332(a)(1)

Brief description of cause:
Motor Vehicle Accident, Luzerne County

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$250,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/23/2022

SIGNATURE OF ATTORNEY OF RECORD

s/Jonathan J. Sobel, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IRINA RABINOVICH	:	
Plaintiff,	:	
v.	:	NO.: 22-cv-
WILLIAM BARES, JR.	:	
And	:	
BOGIES TRANSPORT, INC.	:	
And	:	
SHERI BUNYARD	:	
And	:	
EAN HOLDINGS, LLC	:	
And	:	
JOHN DOE	:	
Defendants.	:	

COMPLAINT

PARTIES

1. Plaintiff is Irinia Rabinovich, is an adult individual, a citizen and resident of the Commonwealth of Pennsylvania, residing at 2335 Marbury Road, Pittsburg, PA 15221.
2. Defendant is William Bares, Jr., is an adult indivual, citizen and resident of the State of Ohio, residing at 49 Charles Street, Struthers, Ohio 44471.
3. Defendant is Bogies Transport, Inc., is a corporation, organized and existing, under and by virtue of the laws of the State of New Jersey, and is a citizen and resident of the

State of New Jersey, with its principal place of business located at 179 Uhland Street, East Rutherford, New Jersey 07073.

4. Defendant is Sheri Bunyard, is an adult individual, citizen and resident of the State of California, residing at 13181 Calle Amapola 9, City of Desert Hot Springs, California 92240.

5. Defendant, EAN Holdings, LLC, d/b/a Enterprise Rent A Car is a limited liability company and citizen and resident of the State of Delaware with its principal place of business located at 8010 Airport Blvd., Building B, Mobile, Alabama 36608.

6. Defendant, John Doe's identity is presently unknown at this time as the present location.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over the claims presented herein as it is a civil action where the matter in controversy exceeds \$75,000.00 and is between citizens of different states, pursuant to 28 U.S.C. § 1332(a)(1).

8. Venue is appropriate in the United States District Court for the Middle District of Pennsylvania, because this is the judicial district in which a substantial part of the events giving rise to plaintiff's claim occurred, pursuant to 28 U.S.C. § 1391(b)(2).

9. This Court has personal jurisdiction over each Defendant because it is believed that at all times relevant to this action Defendants' acts and/or omissions caused the harm complained of by Plaintiff in the Commonwealth of Pennsylvania.

FACTUAL BACKGROUND

10. The preceding paragraphs are incorporated herein as if fully set forth at length.

11. At all times material and relevant herein, Defendant, William Bares, Jr. was the agent, employee, workman and/or servant of defendant, Bogie's Transport, Inc., acting within the course and scope of his agency, employment, workmanship and/or servanthood.

12. At all times material and relevant herein, Defendant, Sheri Bunyard, was the agent, employee, workman and/or servant of defendant, EAN Holdings, LLC, acting within the course and scope of her agency, employment, workmanship and/or servanthood.

13. At all times material and relevant hereto, plaintiff, Irina Rabinovich was the operator of a 2019 motor vehicle, Pennsylvania License Plate #PA 2CH 3411, at or near Interstate Route 80 East, at or near mile marker 259.6, Butler Township, Luzerne County, Pennsylvania.

14. At all times material and relevant herein, Defendant, William Bares, Jr., was the operator of a 2016 Truck, New Jersey License Plate #NJ AU671H, which was owned by Defendant, Bogie's Transport, Inc., at or near Interstate Route 80 East, at or near mile marker 259.6, Butler Township, Luzerne County, Pennsylvania.

15. At all times material and relevant herein, Defendant, Sheri Bunyard, was the operator of a 2019 Toyota, Alabama License Plate #AL 2CH 3411, which was owned by Defendant, EAN Holdings, LLC, at or near Interstate Route 80 East, at or near mile marker 259.6, Butler Township, Luzerne County, Pennsylvania.

16. On or about May 28, 2022, Plaintiff, Irina Rabinovich while operating her motor vehicle, at or near Interstate Route 80 East, at or near mile marker 259.6, Butler Township, Luzerne County, Pennsylvania, which was involved in an accident with the vehicles being operated by Defendant, William Bares, Jr., and owed by Defendant, Bogie's Transport, Inc. and

Defendant, Sheri Bunyard and owned by Defendant, EAN Holdings, LLC, due to defendants' negligence.

17. As a result of the negligence and carelessness of Defendants, William Bares, Jr., Bogie's Transport, Inc. Sheri Bunyard and EAN Holdings, LLC, jointly and/or severally, Plaintiff, Irina Rabinovich suffered personal injuries and damages.

18. The motor vehicle accident was caused by the negligence and carelessness of Defendants, William Bares, Jr., Bogie's Transport, Inc. Sheri Bunyard and EAN Holdings, LLC, jointly and/or severally, and was not due to any action / inaction on the part of Plaintiff, Irina Rabinovich.

**COUNT I – NEGLIGENCE
IRINA RABINOVICH V. WILLIAM BARES, JR., BOGIE'S TRANSPORT, INC.
SHERI BUNYARD AND EAN HOLDINGS, LLC AND JOHN DOE**

19. Plaintiff, Irina Rabinovich, avers and incorporates by reference, the averments of paragraphs one (1) through seventeen (17), inclusive, of this Civil Action as though the same were fully set forth herein.

20. Solely as a result of the negligence and carelessness of Defendants, William Bares, Jr., Bogie's Transport, Inc. Sheri Bunyard and EAN Holdings, LLC, individually and/or jointly, acting as aforesaid, Plaintiff, Irina Rabinovich, was caused to sustain injuries to the bones, joints, muscles, tendons, blood vessels and soft tissues throughout her entire body, including, but not limited to, injuries to her head, neck, back, shoulders, arms, face and legs together with contusions and abrasions, a severe shock to his nerves and nervous system; all of which said injuries have in the past and will in the future cause Plaintiff, Irina Rabinovich, great pain and suffering, a serious impairment of his bodily functions and all of which are or may be permanent in nature.

21. Plaintiff demands a jury trial on all triable claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Irina Rabinovich demands damages against Defendants, William Bares, Jr., Bogie's Transport, Inc. Sheri Bunyard and EAN Holdings, LLC, jointly and/or severally, in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars, plus interest and costs.

Respectfully submitted,

s/JONATHAN J. SOBEL, ESQUIRE

I.D. #: 76428

15000 Walnut Street, Suite 2000

Philadelphia, PA 19102

(215) 735-7535

(215) 735-7539

Mate89@aol.com

Attorney for Plaintiff

Date: May 23, 2022